IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1030 OF 2005

Dadu Deoram @ Deman Ahire & Anr... ..Appellant
Versus
Sau Vimal Kisan Ahire .. ..Respondent

Mr.P.N.Joshi for appellant

CORAM : P.V.KAKADE, J.

DATE : 8TH SEPTEMBER, 2005

P.C.:

1. The appellants have preferred this appeal against the judgment and order passed by IInd Ad-hoc Judge, Nasik dated 22.6.2004 dismissing the appeal and confirming the judgment and order passed by Civil Judge,Junior Division, Sinnar dated 28.11.1997 decreeing the Plaintiff’s suit for perpetual injunction against the defendant Nos.1 to 3 .

2. I have heard the learned counsel for the appellant. Perused the record.

3. The plaintiff-landlady filed the suit under Specific Relief Act in order to seek perpetual

injunction against the defendants on various ground, inter alia, submitting that the defendants had obstructed her possession in the suit property and hence the perpetual injunction was sought for. The defendants contested the suit on various grounds and seek dismissal of the suit.

. The learned trial judge adjudicated the dispute on merits and came to the conclusion that the plaintiff had to prove that the suit land was sold to her by defendant no.1 by virtue of agreement of sale on 16.2.1985 for Rs.20,000/= and had put her in possession of the property under the suit agreement. It was further held to be proved that the plaintiff was ready and willing to pay balance consideration to the defendants within time but defendants avoided to accept the same. It was also proved that the defendants were obstructing her possession and as such the suit came to be decreed. The appeal was carried to the District Court. The learned Addl. District Judge after hearing both the parties dismissed the appeal. Hence the present appeal.

4. At the outset it must be noted that there is

absolutely no substantial question of law involved in this appeal. The factual aspects of the evidence on record are seen to be properly appreciated by both the courts below before recording concurrent findings to the effect that the plaintiff was in lawful possession of the suit property at the foot of the suit transaction dated 16.2.1985 after paying part consideration of Rs.20,000/= and inspite of this aspect the defendants were obstructing her lawful possession and decree for perpetual injunction came to be passed. I do not see any reason why this court shall interfere with the concurrent findings recorded by both the courts below, which are seen to be just, legal and proper.

. In the circumstances the appeal stands dismissed.